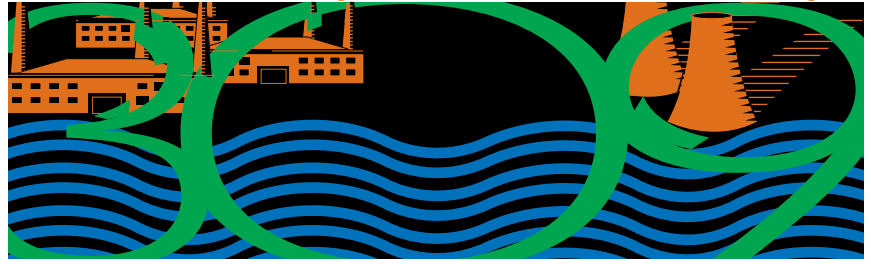


state enhancement grant assessments and strategies



# ENERGY/ GOVERNMENT FACILITY SITING



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**NOAA / NOS / Office of Ocean and Coastal Resource Management**  
*Coastal Programs Division*

October 1999

NOS/OCRM/CPD 99-09

# Overview

*This report describes the changes to state, territory and commonwealth coastal zone management (CZM) programs meant to help facilitate the siting of energy and government facilities that were completed or initiated during the time frame of Federal fiscal years 1992-1996. These changes were characterized by the states and territories in the last round of Assessments, which were submitted to OCRM in February of 1997. If Strategies were developed for energy and government facility siting, the planned activities are also summarized.*

*The adoption of procedures and enforceable policies to help facilitate the siting of energy and government facilities and energy-related activities and government activities in coastal areas has been a fundamental goal of the Coastal Zone Management Act (CZMA) since its passage in 1972. Ensuring the proper siting of energy-related and government facilities is important for state and territorial coastal programs because these activities often have greater than local significance and can have significant impacts on coastal resources. The 1990 amendments to the CZMA reaffirmed the policy requiring that activities relating to Outer Continental Shelf oil and gas leases be consistent with state and territorial coastal programs. Energy and government facility activities compete for limited coastal lands and may adversely affect the sensitive environments in which many are located.*

*The National Coastal Zone Management Program (CZMP) is a voluntary partnership between the Federal government and the 35 U.S. coastal states, territories, and commonwealths authorized by the CZMA to:*

- Preserve, protect, develop, and where possible, restore and enhance the resources of the Nation's coastal zone for this and succeeding generations;*
- Encourage and assist the States to exercise effectively their responsibilities in the coastal zone to achieve wise use of land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development;*
- Encourage the preparation of special area management plans to provide increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas and improved predictability in governmental decision-making; and*
- Encourage the participation, cooperation, and coordination of the public, Federal, State, local, inter-state and regional agencies, and governments affecting the coastal zone.*

*In the 1990 reauthorization of the CZMA, Section 309 was amended to create the Coastal Zone Enhancement Program. Its intent was to provide incentives to States to make improvements to their coastal programs in any of eight areas of national significance (a ninth was added in 1996), including energy and government facility siting. As a part of the Section 309 grant process, periodically all the coastal programs must develop Assessments — a critical examination of each of the nine enhancement areas. The Assessments provide a comprehensive review of activities previously performed by the CZM program (with particular emphasis on 309-funded efforts), identify specific impediments or needs, and present a general characterization of the adequacy of the State's management framework for that area. The Assessments conclude with a ranking of the area as high, medium, or low, based on its importance in the State; the need to improve the State's ability to manage the*

area, and the suitability of using the Section 309 program as the means to address it. For those issues ranked as a high priority for Section 309 purposes, States develop multi-year Strategies, laying out a framework for activity and funding levels which, at the project's conclusion, should lead the State to specific program changes' that also are defined.

Improvements to state and territorial coastal programs are intended to develop or improve policies and standards that allow the siting of facilities while maintaining current levels of coastal resource protection. In the case of energy and government facility siting, program changes could also include enhancing existing procedures and long-range planning processes for considering the needs of energy-related and government facilities and activities of greater than local significance.

The report is broken down into four parts. The first section contains state-specific summaries, organized by Region. The summaries generally characterize the energy and government facility siting issue; briefly outline the activities undertaken/initiated between 1992 and 1996 (highlighting those that were 309-funded); identify obstacles to addressing siting and the need for specific refinements to improve planning for siting; and if applicable, detail the State's strategy for achieving those improvements (or other planned activities). A State contact is included for the purposes of obtaining additional information.

The second section compiles the energy and government facility siting activities for all the states, and if applicable, their Strategies, and reorganizes them into five general areas of management: (1) assessment and research; (2) planning; (3) regulatory; (4) non-regulatory and (5) education and outreach efforts.

The third section pertains to obstacles and needs. Brief descriptions of impediments to or areas for improvement in achieving improved programs pertaining to energy and government facility siting were compiled from the Assessments.

The report concludes with a table which provides a snapshot of the overall distribution of projects pertaining to energy and government facility siting by State and type, including distinguishing between Section 309-funded and non-309 funded.

Joseph Flanagan of NOAA's National Ocean Service compiled the information found in this report. Kristine Schlotzhauer provided editorial and design support. For further information or additional copies of this report, please contact Joseph Flanagan at (301) 713-3121 x201 or [joseph.flanagan@noaa.gov](mailto:joseph.flanagan@noaa.gov).

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# *state summaries*



***northeast***

# Connecticut

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low  
1997 Assessment: Medium

### *Issue Characterization*

*Connecticut currently has a relatively large number of major government and energy facilities. These facilities include a submarine base, the Coast Guard Academy, four nuclear power units, 14 oil-fueled power stations, and various facilities associated with oil and gas storage. A large number of facilities which support federal defense and government operations are also present.*

### **State Activities 1992 to 1996**

*No changes were necessary nor were any made.*

#### **Obstacles/Needs**

There is a need for clear guidance for federal agencies on the applicability of federal consistency to the disposal of federal lands and to federal energy regulations which may create adverse impacts to the coastal zone.

The State must review the applicability of the State's clean-up standards for federal remediation projects.

The State must determine whether applying existing water quality standards to the issue of atmospheric deposition of nitrogen from out-of-state sources into Connecticut's waters will be effective.

### **Summary of Strategy**

The State will develop a Connecticut Coastal Consistency Manual for federal agencies and their contractors. The manual will summarize the legal context of consistency and explain State coastal policies as they apply to re-development of military and industrial sites and to out-of-state electric generators.

Connecticut will amend state water quality standards to specifically address hypoxia in Long Island Sound and contributions from atmospheric nitrogen.

The State will amend the Coastal Management Act by incorporating some or all of the hazardous waste statutes by reference, and develop specific resource-based policies on the concurrent application of coastal management and remediation standards.

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## Delaware

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

#### ***Issue Characterization***

*The Delaware Coastal Zone Act prohibits any new heavy industry use in the coastal zone. Any proposed new energy facility that would undertake a refining process is strictly prohibited. Bulk product transfer facilities and ship-to-ship transfer activities are also prohibited. Electric power plants are allowed in the coastal zone by permit only. Government facility siting activities include facilities at Port Mahon that serve Dover Air Force Base, the Coast Guard Station at Indian River Inlet, the Naval Reserve facility on Cape Henlopen, the Army Corps of Engineers pier at the Port of Wilmington, the Port of Wilmington, and the Delaware Solid Waste Authority's sanitary landfill on Pigeon Point in New Castle County.*

#### **State Activities 1992 to 1996**

Regulations pursuant to the Coastal Zone Act have been developed, and environmental indicators currently are being developed to assist the Secretary of the Department of Natural Resources and Environmental Control in making permit and off-site project decisions related to industry in the coastal zone.

#### ***Summary of Strategy***

As a result of Delaware's high degree of regulation of industries in the coastal zone through the Delaware Coastal Zone Act, this issue does not appear to be an area of concern.

#### **Obstacles/Needs**

None

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# Maine

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

### *Issue Characterization*

*Energy and Federal government facilities along the coast of Maine include fossil fuel and nuclear power plants, hydroelectric facilities, radioactive waste disposal sites, waste to energy facilities, pipelines, electric transmission lines, oil and gas extraction facilities, mineral, peat, or aggregate mining, Coast Guard and national defense installations, and Federal navigation projects. There have been some activities in the siting of these facilities: If a compact negotiated with the State of Texas for the disposal of low level radioactive waste generated in Maine is ratified by Congress, no disposal site for this type of waste will be located in Maine. There are three proposals to construct natural gas pipelines and storage facilities in the Maine coastal zone. There are a number of hydroelectric facilities in the coastal zone that are in the re-licensing process with the Federal Energy Regulatory Commission (FERC).*

### **State Activities 1992 to 1996**

Although no section 309 funds were used, Maine has revised legislation affecting the siting of energy-related facilities and published a guide to Federal consistency reviews.

A revision of the Site Location of Development Act raised the threshold for state review of large projects from 3 acres of disturbed area to 7 acres of disturbed area.

The State Planning Office published the Maine Guide to Federal Consistency Review to outline Maine's consistency review process.

The State Planning Office provided opportunities to ensure that potential coastal effects are studied and addressed through FERC licensing and State water quality certification proceedings.

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### **Obstacles/Needs**

Pending proposals to locate natural gas pipeline(s) and related infrastructure in Maine suggest the need to improve local officials' understanding of federal, state, and local authorities for these projects licensed by FERC under the National Gas Act.

Except where wetlands are impacted, State laws do not require an assessment of alternative locations and designs for projects nor a weighing of social and economic factors in order to issue a permit for these facilities.

### **Summary of Strategy**

Update references to State laws that apply to facilities siting.

Coordinate state and federal reviews of projects in the coastal zone under the Coastal Zone Management Act and the National Environmental Policy Act.

Explain to local officials how the coastal program's legal authorities are used to regulate siting of these facilities in the coastal zone.

# Maryland

1997 Assessment: Low

*There have been no changes in this area since the last assessment.*

*There have been no changes since the last assessment.*

None identified.

The State of Maryland considers this issue to be adequately addressed through existing management programs and activities.

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# Massachusetts

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

### *Issue Characterization*

*Energy-related facilities on the Massachusetts coast include several electrical generation plants and oil/gas landing and storage sites. There is little growth in numbers or expansions of these facilities expected in the foreseeable future. Government facilities are mainly Federal, State or local land holdings or are facilities dedicated to recreation, open space/wildlife habitat protection, transportation, and wastewater treatment plants.*

### **State Activities 1992 to 1996**

*Although no section 309 funds were used, changes were proposed to the State regulations concerning siting of energy facilities.*

The Massachusetts Energy Facility Siting Board proposed to change its regulations to eliminate the need to both demonstrate demand for power and to do an alternatives analysis for siting. Because of public opposition, the Board is now preparing draft legislation that will eliminate the needs assessment but retain the alternatives analysis for both sites and technology.

### **Obstacles/Needs**

None

### **Summary of Strategy**

The Energy Facility Siting Board and the Massachusetts Environmental Policy Act Unit are adequately managing the Massachusetts Coastal Zone Management Program's concerns.

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## New Hampshire

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

### *Issue Characterization*

*Energy facilities located in the coastal zone include six facilities for oil product transfer, storage, and distribution; one Liquefied Petroleum Gas facility; one oil refinery; one nuclear power plant; and two fossil fuel electric generating facilities. Dams are present at the point of tidal influence on many rivers. Pease Air Force Base is the only major government facility located in the coastal area.*

### **State Activities 1992 to 1996**

*Although no section 309 funds were used, New Hampshire has changed the regulations pertaining to regulating the energy industry and siting energy facilities.*

The State changed the regulations covering the siting of energy facilities by consolidating all the rules covering electric power plants and transmission into one chapter of the Revised Statutes Annotated, New Hampshire code of regulations. A Site Evaluation Committee, which includes most agency heads, was established. The committee includes the Office of State Planning of which the Coastal Program is a part.

The State House passed legislation that established the principle that the transition to a competitive marketplace for retail access to electric power is in the best interest of the state and should be expedited. This change may alter the structure of the energy industry by increasing or decreasing the number of producers.

### **Summary of Strategy**

The program will be vigilant of energy and government siting issues and will monitor changes in the electric industry due to industry restructuring, new gas pipeline construction and impacts, and spill response policies for oil and gas transport in the coastal zone.

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### **Obstacles/Needs**

Some work is warranted on the issue of having an adequate framework for responding to oil spills on the Piscataqua River.

## New Jersey

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

### *Issue Characterization*

*There are no energy facilities proposed in the New Jersey coastal area at this time. Government facilities are being downsized and decommissioned.*

### **State Activities 1992 to 1996**

*Although no section 309 funds were used, New Jersey adopted legislation on energy use, adopted a plan on State development and redevelopment, and reassigned responsibility for the State Energy Master Plan.*

The adoption of the Coastal Area Facility Review Act II (CAFRA) legislation, specifically the Rules on Coastal Zone Management Energy Use Rule, and the adoption of the State Development and Redevelopment Plan (SDRP) and proposed incorporation of the SDRP policies within the CAFRA II rules, are changes in the State's ability to address the siting of energy and government facilities since the last Section 309 Assessment.

The Office of Energy was placed within the Department of Environmental Protection (DEP) and responsibility for the State Energy Master Plan, as well as commenting on energy policy, was delegated to the DEP.

### **Summary of Strategy**

None

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### **Obstacles/Needs**

None

## New York

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: High

#### *Issue Characterization*

*Principle energy and government facility siting issues revolve around the need to find disposal sites for contaminated materials dredged from New York Harbor and the need to facilitate the upgrading of publicly owned docks, piers, and navigation channels. Siltation and increased size of the world cargo fleet and the deterioration of the harbor's loading and unloading facilities threaten to make major portions of the port economically non-viable.*

#### **State Activities 1992 to 1996**

*Although no section 309 funds were used and there have been no significant legislative changes since 1992, efforts are underway that address the disposal of contaminated dredged material and deteriorating port infrastructure.*

Efforts are underway to identify disposal sites or disposal technologies to allow management of contaminated sediments.

The Governors of New York and New Jersey outlined a plan to address the contaminated dredged disposal problem.

The New York Department of State sponsored a presentation on decontamination technologies to the Third Annual Dredging Conference of the Maritime Association of the Port of New York and New Jersey.

New York continues to participate with the Dredged Material Management Forum and other groups that deal with the disposal of dredged materials.

New York City recently completed studies of ways to improve the shipment of goods into the region and has proposed a study to determine the feasibility of a rail freight tunnel joining the Staten Island and Brooklyn waterfronts.

#### **Obstacles/Needs**

There is a high priority need to develop facilities to accept contaminated dredged material from the navigation channels and berths in New York Harbor.

New York must address the aging infrastructure of its publicly-owned port facilities to remain competitive as the world cargo fleet changes.

#### **Summary of Strategy**

New York proposes the establishment of a new program within the Coastal Management Program to facilitate the beneficial use of dredged materials. This program will be in support of the Governor's dredging initiatives in New York Harbor and elsewhere.

The Coastal Management Program, through the use of special area management plans and local waterfront revitalization plans, will concentrate on improving waterfront infrastructure to accommodate container, general cargo and passenger ships, and ferries.

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# Rhode Island

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Medium

1997 Assessment: Medium

### *Issue Characterization*

*New England in general and Rhode Island are facing an electricity shortage and it is expected that there will be a need for more energy generating facilities. Rhode Island presently has several proposed energy facility projects under consideration.*

### **State Activities 1992 to 1996**

*Although no section 309 funds were used, the State has revised the scope of a State agency's review of power generation facilities and is developing a new manual on the federal consistency review process.*

The Newbury decision, a 1993 Rhode Island Supreme Court decision, found that the 1986 Energy Facilities Siting Act superseded the Coastal Resources Management Council's (CRMC) Energy Amendments of 1978. This decision narrowed the scope of CRMC's review of power generation facilities.

The CRMC has made changes to the States' federal consistency review processes. A new manual on the federal consistency process has been developed, and new Federal Consistency procedures have been adopted in section 400 of Rhode Island Coastal Resources Management Plan regulations.

### *Summary of Strategy*

If the opportunity arose, Rhode Island would seek to support CRMC's efforts to coordinate CRMC review with the Energy Facilities Siting Board, and conform CRMC regulations with 1993 Supreme Court's Newbury decision.

#### **Contact**

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### **Obstacles/Needs**

The CRMC review process needs to be coordinated with the review process required under the Energy Facilities Siting Act. In order to ensure that concerns associated with coastal uses are adequately addressed in energy facility siting, and to resolve any questions regarding the CRMC's scope of review, the CRMC's Energy Amendments need to be updated.

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1997 Assessment: Low

*The major recent energy facility siting concern in the coastal zone has been related to drilling for oil and gas. Drilling for oil and gas is permitted in certain areas of Tidewater Virginia. Although federal facilities, including military facilities, are abundant, few new federal facilities are proposed.*

*Although no section 309 funds were used, significant changes were made in the review of oil and gas development.*

Regulations have been promulgated to guide preparation and submittal of environmental impact assessments for oil and gas drilling in Tidewater areas. Drilling for oil is permitted in certain areas of Tidewater Virginia. Applications must include an environmental impact assessment. Upon receipt of an application, the Department of Mines, Minerals and Energy (DMME) must notify the Department of Environmental Quality (DEQ) to coordinate a review of the environmental impact assessment. DMME may not grant a permit until it has considered the findings and recommendations of DEQ.

Virginia continues to operate a comprehensive Environmental Impact Review process.

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## None





***southern/  
caribbean***

## Alabama

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

#### *Issue Characterization*

*Energy-related activities in the Mobile-Baldwin County area include hydrocarbon exploration and extraction, refining, processing, transmission and storage; electricity generating plants; coal handling facilities; and, major pipelines. The Navy completed construction of a new home port on Mobile Bay. The Coast Guard maintains a training facility on Mobile Bay.*

#### **State Activities 1992 to 1996**

*Although no section 309 funds were used, a Navy facility was closed before operations began and an agreement was reached on the siting of offshore drilling rigs.*

The Navy home port developed on Mobile Bay was never occupied and has been closed. It is now under control of the Alabama State Docks.

The Minerals Management Service has proposed offshore leases in Baldwin County, but in response to the State's request, has placed a 15 mile moratorium so that rigs will not be viewed from the beaches of Pleasure Island.

#### **Summary of Strategy**

Alabama does not believe that this enhancement issue merits increased management attention on the part of Alabama Coastal Programs.

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#### **Obstacles/Needs**

None

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1997 Assessment: Low

# Louisiana

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

## Issue Characterization

*Energy-related facilities in the Louisiana coastal zone include drilling and production platforms, an offshore oil port, Strategic Petroleum Reserve facilities, onshore facilities, assembly yards, storage depots, crew bases, tank farms, refining complexes, gasification facilities, and a network of pipelines. Government facilities include highways and roads, buildings, flood protection levees, sewage treatment facilities, airports, port facilities, and parks.*

## State Activities 1992 to 1996

*Although no Section 309 funds were used, one significant change was made:*

The Coastal Management Division (CMD) has developed mitigation rules for addressing adverse impacts on the coastal zone. The CMD now uses a standard procedure for mitigation of unavoidable wetland losses.

## Obstacles/Needs

None

## Summary of Strategy

*None*

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# Mississippi

1997 Assessment: Low

## Issue Characterization

*Federal Government agencies own and manage large tracts of land and carry out many activities in the Mississippi coastal area. The U.S. Departments of Defense, Interior, and Agriculture are examples of agencies with major facilities located in each county. Energy facilities are also prominent on the coast. There is a major oil refinery and several pipeline corridors that bring oil and gas through Mississippi waters to facilities on shore.*

## State Activities 1992 to 1996

There have been no appreciable changes in the State's position relative to Energy and Government Facility Siting since the last assessment.

## Summary of Strategy

This issue is not deemed to be a critical priority or to require significant effort through the 309 program at this time.

## Obstacles/Needs

None

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1992 Assessment: Low  
1997 Assessment: Low

*Government facilities include federal, state and local lands and operations. The Federal Departments of Defense, Interior, and Agriculture own and manage large tracts of land and carry out activities in the coastal area. While extensive energy facilities are not presently found in North Carolina coastal areas, the need for such facilities may increase as the coastal areas continue to grow.*

*Since 1992, changes were made affecting the ability of the North Carolina Division of Coastal Management (DCM) to address energy and government facility siting and the adoption of Coastal Resources Commission rules related to military use of air space and target areas in coastal areas.*

Amendments were made to the State's coastal energy policies that provide greater protection to natural resources of the coastal area and clarify the State's information needs for consistency reviews of outer continental shelf proposals. (Section 309)

Although not a 309 funded project, DCM was successful in working with the Air Force to alter jet flight patterns over the state-designated natural and scenic Lumber River, and in changing the altitude of jet flights over Green Swamp.

North Carolina's consistency program has been effective in implementing the State's coastal policies.

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DCM has not yet developed a consistency manual specific to North Carolina.

1992 Assessment: Low  
1997 Assessment: Low

*The Puerto Rico Electric Power Authority, a public corporation, was created in 1940 to provide reliable power to the entire island. Although it must comply with all normal Federal and local licensing and permit procedures, the Authority deals with the Planning Board directly with respect to sites for energy-related facilities.*

*No significant changes have occurred since 1992.*

No major gaps exist since all planning and development controls with respect to energy and major public facilities are at the level of the Commonwealth.

Existing policies and procedures appear to be adequate for dealing with the implication of facility siting.

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## South Carolina

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Energy and Government Facilities - Medium

1997 Assessment: Energy Facilities - low, Government Facilities - Medium

### *Issue Characterization*

*Energy facilities in the coastal zone appear to be capable of satisfying energy demand, so expansion of production facilities does not appear to be imminent. Offshore and onshore oil and gas exploration and production has not been an issue, nor is it expected to become one in the near future. The South Carolina coastal zone has a considerable amount of state and federal government facilities and government-owned land. South Carolina is increasing public access to these state and federally owned lands.*

### **State Activities 1992 to 1996**

*Although no section 309 funds were used, enhancements were made to the State stormwater management program and a Programmatic Memorandum of Agreement was signed to protect cultural resources.*

Protection of coastal resources at future energy and government development sites has been addressed through the passage of the Stormwater Management and Sediment Reduction Act which establishes comprehensive standards for stormwater management and sediment control statewide.

A more consistent protection of cultural resources has been achieved through the signing of a Programmatic Memorandum of Agreement with the South Carolina Department of Archives and History and the South Carolina Institute of Anthropology and Archaeology.

### **Obstacles/Needs**

There are funding limitations due to other enhancement areas receiving higher priority status.

### **Summary of Strategy**

The South Carolina Office of Ocean and Coastal Resource Management (OCRM) will sponsor the development of a comprehensive management plan for management of the resources of the Atlantic Intracoastal Waterway.

OCRM will review the State Ports Authority's planning efforts in the coastal zone and will update the State Ports Plan.

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# U.S. Virgin Islands

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Non-priority

1997 Assessment: High

### *Issue Characterization*

*The Hess Oil Virgin Islands Corporation (HOVIC), located on St. Croix, presently operates the largest oil refinery in the Western Hemisphere. The Virgin Islands Water and Power Authority is the primary generator of energy in the territory. HOVIC and the Virgin Islands Aluminum Corporation generate electricity for their own use. The National Guard has facilities on all three islands.*

### State Activities 1992 to 1996

*Although no section 309 funds were used, the Territory initiated efforts to close or relocate solid waste landfills.*

The Department of Planning and Natural Resources (DPNR) entered a Memorandum of Agreement with the Environmental Protection Agency to enforce the provisions of federal laws governing solid waste landfills. DPNR was charged with the responsibility of closing all landfills by October 9, 1996 which do not meet federal location and operation criteria.

### Obstacles/Needs

There is no long range planning for assessing the needs and expansion of energy and government facilities.

Public solid waste facilities have not kept pace with development.

### Summary of Strategy

DPNR has submitted a municipal solid waste landfill permitting program application to the EPA. Through this submittal, the Territory was given an extension on the closing of its landfills until EPA approves the program.

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***pacific***



# American Samoa

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

### Issue Characterization

*Energy & Government Facilities in American Samoa include: water and electric service production systems, streets and roads, sewage treatment systems, solid waste collection and disposal sites, ports and airports, recreational facilities, schools, hospitals, government offices, and police stations and firehouses.*

### State Activities 1992 to 1996

*Since 1992, Section 309 funds were used to develop a master plan for infrastructure and to increase reviews of proposed projects.*

The American Samoa Government and the American Samoa Power Authority developed a master plan for infrastructure and a capital improvements plan for 1996-2001. (Section 309)

The Project Notification and Review System and the American Samoa Coastal Management Program increased their reviews of proposed projects to ensure compliance with regulations and statutes. (Section 309)

Section 309 benefited the planning and review process through the establishment of setbacks and the improvement of the planning and review process. (Section 309)

### Summary of Strategy

None

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### Obstacles/Needs

Coordination needs to be improved among American Samoa Government agencies. There is a need for more comprehensive integrated planning and funding and the establishment of improved planning systems and tools.

# California

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low  
1997 Assessment: Low

### Issue Characterization

*Energy facilities along the California coast include thermal power generating plants, oil and gas processing facilities, refineries, marine terminals for storing and transporting oil and gas, and oil and gas pipelines. The majority of OCS oil and gas development is in the Santa Barbara Channel and offshore Los Angeles/Long Beach. Government facilities include military bases, several of which are scheduled to close, dredging for ports, desalination plants, and boating facilities.*

#### State Activities 1992 to 1996

*Although no section 309 funds were used, changes occurred as a result of new State legislation and a study on offshore oil and gas development.*

The passage of the California Coastal Sanctuary Act permanently bans new oil and gas leasing in State waters.

The passage of an Assembly Bill revives previously expired provisions of the Coastal Resources and Energy Assistance Act that requires the state to provide financial compensation to coastal counties and cities for activities related to offshore energy development.

The Coastal Commission review of federal activities on federal lands continues to increase. Since 1992, 448 submittals for federal activities have been reviewed.

#### Summary of Strategy

None

#### Obstacles/Needs

Improving coordination with other federal, state, and local government agencies and the public in the evaluation of controversial projects.

Adequate funding to monitor mitigation measures contained in permits and consistency certification is needed.

The Coastal Commission should evaluate further whether independent monitoring would enhance permit compliance.

Adequate funding is needed to complete a statewide database to help address the issue of aging pipelines.

The environmental impacts of using scrap materials from oil and gas platforms as artificial reefs and the impacts of high-energy seismic surveys should continue to be studied.

The State needs to continue working with NOAA and other federal agencies to improve the consistency process for siting government facilities.

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# Commonwealth of the Northern Mariana Islands

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

### ***Issue Characterization***

*This issue is rarely of concern in the CNMI because of its remote location from other jurisdictions. Relatively little major development occurs outside of the Coastal Resources Management Program's jurisdiction or its Federal Consistency provisions.*

### **State Activities 1992 to 1996**

*There have been no significant changes.*

### **Obstacles/Needs**

None

### ***Summary of Strategy***

Existing policies, programs and regulations are adequate in facilitating the siting of government and energy facilities and protecting coastal resources.

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Guam

309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low to medium  
1997 Assessment: Low

Issue Characterization

*Roughly one-third of Guam is owned by the military, one-third is owned by local Government, and one-third is owned by private citizens/corporations. As Guam continues to grow and develop, new and additional energy facilities will become necessary. Major facilities presently in existence include water treatment plants, transportation systems, energy production and transmission facilities, recreational areas, national defense installations, solid waste disposal facilities, and reservoirs.*

State Activities 1992 to 1996

*Although no section 309 funds were used, changes occurred as a result of military base closures and passage of a siting law.*

Excess federal lands were returned to the Government of Guam through actions taken by the Base Realignment and Closure Commission (BRACC). Various federal and territorial laws mandate utilization of these lands with ad hoc usage plans.

Siting of Substations law (PL 23-96) prohibits location of substations within 100 feet of a residence.

Summary of Strategy

None

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Obstacles/Needs

Siting of federal facilities lacks the coordinated planning mechanisms for harmonious transition between federally controlled and local land.

Local energy facilities, while subject to Guam's development review laws and regulations, have not been subject to a coordinated planning process.

Comprehensive energy facility planning is also difficult to accomplish in the absence of a current land use plan.

## Hawaii

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

#### *Issue Characterization*

*Hawaii depends almost entirely on imported petroleum as its primary energy source. Hawaii has undertaken a number of initiatives to support the development of alternative energy resources, including solar, wind, ocean (including ocean thermal energy conversion), biomass, and hydropower. The proposed development of 500 megawatts of geothermal power is subject to controversy, especially the siting of deepwater transmission cables. The federal government is one of the largest landowners and land users in the state, accounting for over 100,000 acres or 24 percent of Oahu alone.*

#### **State Activities 1992 to 1996**

*Although no section 309 funds were used, Hawaii has continued to foster renewable energy, has passed legislation affecting the siting of renewable energy facilities and landfills, and has mandated the development of Integrated Resource Plans.*

State legislation passed in 1994 prohibits nonrenewable energy facilities in the State Conservation District lands. Only renewable energy technologies are allowed.

The State published the *Hawaii Energy Strategy Report* which provides recommended actions to meet state energy objectives.

The Public Utilities Commission required each electric and gas utility in Hawaii to develop an Integrated Resource Plan (IRP) and to update it every three years. The Hawaiian Electric Company, the Kauai Electric Company, the Maui Electric Company, and the Hawaii Electric Light Company have each submitted an IRP.

State legislation was amended to expand the State Plan objective for energy facility systems to achieve increased self-sufficiency. Hawaii has identified renewable energy options in the Hawaii Energy Strategy Projects Renewable Energy Assessment and Development Program.

Hawaii worked with the U.S. Department of Energy to

develop the Hawaiian Islands Hazard Mitigation Report that identifies potential threats to electric systems, water and sewage services, and telecommunications during hazard events.

Because energy conservation can delay the need for additional power generation facilities, Hawaiian utilities have sponsored educational efforts aimed at energy conservation.

The State Legislature enacted impact fee legislation authorizing the counties to use impact fees on new development to finance additional public facilities.

The State adopted more stringent laws governing the location and development of landfills.

The Office of State Planning (now the Office of Planning) developed guidelines for marina development and siting.



## Obstacles/Needs

The cumulative and secondary impacts of new energy and government facility sitings are not adequately addressed by the existing environmental review process.

Implementation of demand side management has not occurred.

The law prohibiting the siting of a solid waste facility above the Underground Injection Control line creates a conflict between siting a waste facility and protecting coastal resources.

### Contact:

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## *Summary of Strategy*

*None*

# Oregon

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

## Issue Characterization

*Since the last 309 assessment, there have been no instances of significant problems with siting energy or government facilities. The state's Energy Facility Siting Council (EFSC) remains as the centralized state-level mechanism for ensuring such siting is consistent with state policies regarding energy or government facilities.*

## State Activities 1992 to 1996

*Although no section 309 funds were used, changes were made in the authority to regulate liquified natural gas facilities and in the process for approving the siting of energy facilities.*

The EFSC was given increased authority to regulate the siting of new storage facilities for liquified natural gas. This type of facility was not previously included on the EFSC's list of regulated facilities.

The EFSC process for approving the siting of energy facilities was changed to include the requirement that the state agency coordination and comprehensive plan compatibility requirements of the statewide land use planning program be included in EFSC siting decisions.

## Summary of Strategy

The state Energy Facility Siting Council remains as the centralized state-level mechanism for ensuring that siting is consistent with state policies regarding energy and government facilities.

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- Don Oswalt

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## Obstacles/Needs

None

# San Francisco Bay Conservation and Development Commission

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: High

1997 Assessment: Medium

### *Issue Characterization*

*Located primarily on the northeastern shoreline, energy-related uses include oil and natural gas processing facilities, refineries, marine terminals for storing and transporting oil and gas, and natural gas extraction and storage facilities. Public facilities such as airports, ports, and military bases encircle the Bay. A regional issue that has recently emerged is the closing of military bases and military facilities around the Bay.*

### **State Activities 1992 to 1996**

*Although no section 309 funds were used, significant changes include:*

BCDC worked closely with the reuse authorities in Alameda, San Francisco and Vallejo in the analysis of continued port priority use designation for Naval Air Station Alameda, Hunters Point Naval Shipyard, and Mare Island Naval Shipyard.

BCDC has entered into a joint study with the Alameda Reuse and Redevelopment Authority, the East Bay Conversion and Reinvestment Commission, and the Metropolitan Transportation Commission to conduct a feasibility study of development of a container cargo marine terminal on 220 acres of the Alameda site.

The principal focus of the BCDC oil spill program has been oil spill prevention. A BCDC staff member is a vice-chair of the San Francisco Bay Harbor Safety Committee. BCDC is also a member of the Area Contingency Planning Committee. BCDC reviews biennial oil spill contingency response plans for more than 40 marine facilities and participates in oil spill drills and training exercises.

BCDC assisted and advised the Coast Guard and the State Office of Oil Spill Prevention and Response during the 8,400 gallon Cape Mohican oil spill in San Francisco Bay.

BCDC initiated the San Francisco Bay Area Military Base Reuse Forum to find ways to expedite the reuse of closed bases.

### **Obstacles/Needs**

Oil Spill Program initiatives should include a local community preparedness, volunteer, and public outreach initiative. The Bay Plan does not contain policies on navigation safety.

### *Summary of Strategy*

None

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# Washington

1997 Assessment: Low

## Issue Characterization

*No information was provided in the 1997 Assessment. The 1992 Assessment states only that no major application for an energy facility was made to the Energy Facilities Site Evaluation Council for some years.*

## State Activities 1992 to 1996

*Although no section 309 funds were used, Washington reviewed its energy facility siting process and made regulatory reforms affecting coordination for facilities permitting.*

The functions of the Energy Facilities Site Evaluation Council (EFSEC) were moved from the dismantled State Energy Office to the Department of Community, Trade and Economic Development. The State legislature mandated an Energy Facility Siting Process Review Committee. The committee recommended no substantive changes to the EFSEC scope of authority, but did identify a number of issues for further study.

Coordination of facilities permitting at the state and local government levels between Washington's Shoreline Management Act, Growth Management Act, and State Environmental Policy Act was enhanced through various regulatory reform measures adopted by the 1995 Legislature. The reform measures are expected to improve consistency between regulatory programs, coordination between levels of government, and coordination among state agencies.

## Summary of Strategy

*None*

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## Obstacles/Needs

The limitation reported in the 1992 Assessment remains: power plants of less than 250Mw output remain outside the authority of the EFSEC along with renewable energy facilities.



*great lakes*

# Michigan

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low  
1997 Assessment: Low

### *Issue Characterization*

*The number of applications for oil and gas leases, drilling permits, and disposal wells are increasing in coastal townships. Oil and gas development in the Antrim Shale Formation has resulted in some land use conflicts between minerals rights owners and surface owners. Federal, state, and local governments own and control large amounts of coastal acreage in Michigan.*

### **State Activities 1992 to 1996**

*Since 1992, changes were made in the regulation of oil and gas development and soil and sediment control.*

The Michigan Coastal Management Program provided funds to Manistee County to create an Oil and Gas Task Force to examine the role of state and local governments in regulating oil and gas development in the state.

Administrative Rules for Part 615 of the Natural Resources and Environmental Protection Act were revised to replace obsolete provisions and to address some of the issues raised in the 309 reports. (Section 309)

Changes clarifying the roles of the county or local enforcing agency and the Department of Environmental Quality also occurred in the enforcement of soil erosion and sedimentation regulations.

### **Summary of Strategy**

Michigan will continue to use existing statutory criteria and the federal consistency review process to address energy and government facility siting.

#### **Contact:**

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### **Obstacles/Needs**

A draft Federal Consistency manual prepared by the Michigan Coastal Management Program is being revised. The manual, in conjunction with the Federal Consistency Workbook provided by NOAA, will inform federal agencies of Michigan's consistency review process and environmental criteria used.

# Pennsylvania

## 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low  
1997 Assessment: Low

### Issue Characterization

*Government facilities include the Philadelphia and Erie International Airports, the Philadelphia Naval Base, and U.S. Coast Guard stations. Energy facility projects that have been permitted in the coastal zone include municipal and private trash-to-steam projects; natural gas to steam/electric; pier construction; maintenance for loading/unloading petroleum products; and underground pipelines for the conveyance of oil, gas and other petroleum products.*

### State Activities 1992 to 1996

*Although no section 309 funds were used, Pennsylvania has enacted legislation affecting the siting of facilities and established a program for wetland mitigation.*

The State enacted three separate acts which together comprise the Department of Environmental Protection's (DEP) Land Recycling Program. The purpose of this program is to make contaminated industrial sites safe and return these safe sites back to productive use, ultimately preserving farmland and greenspace from development.

The Governor signed an Executive Order which directs all departments to review all existing state regulations to determine if they fulfill the goals for which they were intended. The Order also provides guidance for developing new regulations and requires them to address definable public health, safety or environmental risks.

DEP simplified the state permitting process with which energy and government facility siting activities must comply. Over 20 general state permits were developed covering wetlands, stormwater management and solid waste disposal.

### Obstacles/Needs

None

### Summary of Strategy

Although the Pennsylvania Coastal Zone Management Program (PCZMP) does not have a planning process or policies to address government facility siting needs, the state's permitting process, PCZMP's direct review of these activities, the federal consistency review procedures, and the PCZMP funded Urban Waterfront Action Group pre-permit forum, provide for adequate siting consideration.

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## Wisconsin

### 309 Energy & Government Facility Siting Enhancement Grant Summary

1992 Assessment: Low

1997 Assessment: Low

#### *Issue Characterization*

*There are no known major government facilities currently being proposed in Wisconsin. Under Advance Plan 7, forty-six new power plants are to be constructed between 1996 and 2013. Currently, there is only one proposed energy plant scheduled for construction in the coastal zone. A combustion turbine facility has already been sited in DePere, Brown County. No other energy facilities are planned for the coastal zone within the time frame covered by this Assessment.*

#### **State Activities 1992 to 1996**

*Although no section 309 funds were used, Wisconsin has been evaluating the way the state regulates energy facilities.*

The process under which the State of Wisconsin regulates energy facilities is currently being evaluated, as a utility restructuring is underway. Currently, the Public Service Commission (PSC) must certify every energy facility producing over 12 megawatts of electricity. It is possible that under the restructuring, the PSC may no longer be certifying energy facilities, although the facilities would still have to obtain other necessary state permits. No change has yet occurred.

#### **Obstacles/Needs**

None

#### **Summary of Strategy**

Existing state policies and procedures are adequate to facilitate the siting of government and energy-related facilities.

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***activities***

## research and assessment

### state activities 1992 to 1996

**AK** A 1996 309 study on major project reviews resulted in recommendations currently under consideration that are applicable to large oil and gas projects in Alaska.

**BCDC** The Commission worked closely with the reuse authorities in Alameda, San Francisco and Vallejo in the analysis of continued port priority use designation for Naval Air Station Alameda, Hunters Point Naval Shipyard, and Mare Island Naval Shipyard. BCBC has entered into a joint study with the Alameda Reuse and Redevelopment Authority, the East Bay Conversion and Reinvestment Commission, and the Metropolitan Transportation Commission to conduct a feasibility study of development of a container cargo marine terminal on 220 acres of the Alameda site.

**CA** The Coastal Commission review of federal activities on federal lands continues to increase. Since 1992, 448 submittals for federal activities have been reviewed.

**HI** Hawaii worked with the U.S. Department of Energy to develop the Hawaiian Islands Hazard Mitigation Report that identifies potential threats to electric systems, water and sewage services, and telecommunications during hazard events.

**ME** The State Planning Office provided opportunities to ensure that potential coastal effects are studied and addressed through Federal Energy Regulatory Commission licensing and State water quality certification proceedings.

**NY** Efforts are underway to identify disposal sites or disposal technologies to allow management of contaminated sediments. New York City recently completed studies of ways to improve the shipment of goods into the region and has proposed a study to determine the feasibility of a rail freight tunnel joining the Staten Island and Brooklyn waterfronts.

### *309 strategy*

None

## planning

### state activities 1992 to 1996

**AK** Alaska and the Minerals Management Service were part of a stakeholders group that made recommendations to the Secretary of the Interior on the 1997-2002 OCS 5 year plan.

**AS** The American Samoa Government and the American Samoa Power Authority developed a master plan for infrastructure and a capital improvements plan for 1996-2001. Section 309 benefited the planning and review process through the establishment of setbacks and the improvement of the planning and review process.

**BCDC** The principal focus of the Commission's oil spill program has been oil spill prevention. A Commission staff member is a vice-chair of the San Francisco Bay Harbor Safety Committee. A staff member also serves on the Area Contingency Planning Committee. The Commission reviews biennial oil spill contingency response plans for more than 40 marine facilities and participates in oil spill drills and training exercises. The Commission initiated the San Francisco Bay Area Military Base Reuse Forum to find ways to expedite the reuse of closed bases.

**HI** The Public Utilities Commission required each electric and gas utility in Hawaii to develop an Integrated Resource Plan and to update it every three years. The Hawaiian Electric Company, the Kauai Electric Company, the Maui Electric Company, and

the Hawaii Electric Light Company have each submitted an Integrated Resource Plan. State legislation was amended to expand the State Plan objective for energy facility systems to achieve increased self-sufficiency. Hawaii has identified renewable energy options in the Hawaii Energy Strategy Projects Renewable Energy Assessment and Development Program.

**NY** The Governors of New York and New Jersey outlined a plan to address the contaminated dredged disposal problem.

### *309 strategy*

**NY** New York proposes the establishment of a new program within the Coastal Management Program to facilitate the beneficial use of dredged materials. This program will be in support of the Governor's dredging initiatives in New York Harbor and elsewhere. The Coastal Management Program, through the use of special area management plans and local waterfront revitalization plans, will concentrate on improving waterfront infrastructure to accommodate container, general cargo and passenger ships, and ferries.

**SC** The South Carolina Office of Ocean and Coastal Resource Management will sponsor the development of a comprehensive management plan for management of the resources of the Atlantic Intracoastal Waterway. The Office of Ocean and Coastal Resource Management will also review the State Ports Authority's planning efforts in the coastal zone and will update the State Ports Plan.

## regulatory

### state activities 1992 to 1996

**AK** A 1994 law clarified that phasing of reviews can occur for lease sale, exploration, and development phases.

**CA** The passage of the California Coastal Sanctuary Act permanently bans new oil and gas leasing in state waters. The passage of an Assembly Bill revives previously expired provisions of the Coastal Resources and Energy Assistance Act that requires the state to provide financial compensation to coastal counties and cities for activities related to offshore energy development.

**DE** Regulations pursuant to the Coastal Zone Act have been developed, and environmental indicators currently being developed to assist the Secretary of the Department of Natural Resources and Environmental Control in making permit and off-site project decisions related to industry in the coastal zone.

**FL** Enforceable policies were added to the Florida Coastal Management Plan to ensure that Federal activities comply with local government planning and land development requirements and to ensure compliance with requirements which govern the use of onsite sewage disposal systems.

**GU** Siting of Substations law (PL 23-96) prohibits the location of substations within 100 feet of a residence.

**HI** State legislation passed in 1994 prohibits nonrenewable energy facilities in the State Conservation District lands. Only renewable energy technologies are allowed. The State Legislature enacted impact fee legislation authorizing the counties to use impact fees on new development to finance additional public facilities. The State adopted more stringent laws governing the location and development of landfills.

**LA** The Coastal Management Division has developed mitigation rules for addressing adverse impacts on the coastal zone. The Division now uses a standard procedure for mitigation of unavoidable wetland losses.

**ME** A revision of the Site Location of Development Act raised the threshold for state review of large projects from 3 acres of disturbed area to 7 acres of disturbed area.

**MA** The Massachusetts Energy Facility Siting Board proposed to change its regulations to eliminate the need to both demonstrate demand for power and to do an alternatives analysis for siting. Because of public opposition, the Board is now preparing draft legislation that will eliminate the needs assessment but retain the alternatives analysis for both sites and technology.

**MI** The Michigan Coastal Management Program provided funds to Manistee County to create an Oil and Gas Task Force to examine the role of state and local governments in regulating oil and gas development in the state. Administrative Rules for Part 615 of the Natural Resources and Environmental Protection Act were revised to replace obsolete provisions and to address some of the issues raised in the 309 reports. Changes clarifying the roles of the county or local enforcing agency and the Department of Environmental Quality also occurred in the enforcement of soil erosion and sedimentation regulations.

**NH** The State changed the regulations covering the siting of energy facilities by consolidating all the rules covering electric power plants and transmission into one chapter of the Revised Statutes Annotated, New Hampshire code of regulations. A Site Evaluation Committee, which includes most agency heads, was established. The committee includes the Office of State Planning of which the Coastal Program is a part. The State House passed legislation that established the principle that the transition to a competitive marketplace for retail access to electric power is in the

best interest of the state and should be expedited. This change may alter the structure of the energy industry by increasing or decreasing the number of producers.

**NJ** The adoption of the Coastal Area Facility Review Act II legislation, specifically the Rules on Coastal Zone Management Energy Use Rule, and the adoption of the State Development and Redevelopment Plan and proposed incorporation of this Plan's policies within the Coastal Area Facility Review Act II rules, identify changes in the State's ability to address the siting of energy and government facilities since the last Section 309 Assessment.

**NC** Amendments were made to the State's coastal energy policies that provide greater protection to natural resources of the coastal area and clarify the State's information needs for consistency reviews of outer continental shelf proposals.

**OR** The state's Energy Facility Siting Council was given increased authority to regulate the siting of new storage facilities for liquified natural gas. This type of facility was not previously included on the Council's list of regulated facilities. The Council's process for approving the siting of energy facilities was changed to include the requirement that the state agency coordination and comprehensive plan compatibility requirements of the statewide land use planning program be included in Council siting decisions.

**PA** The State enacted three separate acts which together comprise Department of Environmental Protection's Land Recycling Program. The purpose of this program is to make contaminated industrial sites safe and return these safe sites back to productive use, ultimately preserving farmland and greenspace from development. The Governor signed an Executive Order which directs all departments to review all existing state regulations to determine if they fulfill the goals for which they were intended. The Order also provides guidance for developing new regulations and requires them to address definable public health, safety or environmental risks. The Department simplified the state permitting process with which

energy and government facility siting activities must comply. Over 20 general state permits were developed covering wetlands, stormwater management and solid waste disposal.

**RI** The Newbury decision, a 1993 Rhode Island Supreme Court decision, found that the 1986 Energy Facilities Siting Act superseded the Coastal Resources Management Council Energy Amendments of 1978. This decision narrowed the scope of the Council's review of power generation facilities. The Council has made changes to the States federal consistency review processes. A new manual on the federal consistency process has been developed, and new Federal Consistency procedures have been adopted in section 400 of Rhode Island Coastal Resources Management Program regulations.

**SC** Protection of coastal resources at future energy and government development sites has been addressed through the passage of the Stormwater Management and Sediment Reduction Act which establishes comprehensive standards for stormwater management and sediment control statewide. A more consistent protection of cultural resources has been achieved through the signing of a Programmatic Memorandum of Agreement with the South Carolina Department of Archives and History and the South Carolina Institute of Anthropology and Archaeology.

**VA** Regulations have been promulgated to guide preparation and submittal of environmental impact assessments for oil and gas drilling in Tidewater areas. Drilling for oil is permitted in certain areas of Tidewater Virginia. Applications must include an environmental impact assessment. Upon receipt of an application, the Department of Mines, Minerals and Energy must notify the Department of Environmental Quality to coordinate a review of the environmental impact assessment. The Department of Mines, Minerals and Energy may not grant a permit until it has considered the findings and recommendations of the Department of Environmental Quality.

**WA** The functions of the Energy Facilities Site Evaluation Council were moved from the dismantled

State Energy Office to the Department of Community, Trade and Economic Development. The State legislature mandated an Energy Facility Siting Process Review Committee. The committee recommended no substantive changes to the Council's scope of authority, but did identify a number of issues for further study. Coordination of facilities permitting at the state and local government levels between Washington's Shoreline Management Act, Growth Management Act, and State Environmental Policy Act was enhanced through various regulatory reform measures adopted by the 1995 Legislature. The reform measures are expected to improve consistency between regulatory programs, coordination between levels of government, and coordination between state agencies.

**WI** The process under which the State of Wisconsin regulates energy facilities is currently being evaluated, as a utility restructuring is underway. Currently, the Public Service Commission must certify every energy facility producing over 12 megawatts of electricity. It is possible that under the restructuring the Commission may no longer be certifying energy facilities, although the facilities would still have to obtain other necessary state permits. No change has yet occurred.

## ***309 strategy***

**CT** Connecticut will amend state water quality standards to specifically address hypoxia in Long Island Sound and contributions from atmospheric nitrogen. The State will amend the Coastal Management Act by incorporating some or all of the hazardous waste statutes, by reference, and develop specific resource-based policies on the concurrent application of coastal management and remediation standards.

**USVI** The Department of Planning and Natural Resources has submitted a municipal solid waste landfill permitting program application to the Environmental Protection Agency. Through this submittal, the territory was given an extension on the closing of its landfills until the Environmental Protection Agency approves the program.

## non-regulatory

### state activities 1992 to 1996

**AL** The Navy home port developed on Mobile Bay was never occupied and has been closed. It is now under control of the Alabama State Docks. The Minerals Management Service has proposed offshore leases in Baldwin County, but in response to the State's request, has placed a 15 mile moratorium so that rigs will not be viewed from the beaches of Pleasure Island.

**AK** The completion of a 1993 Enhancement Grants Program funded report on review of Outer Continental Shelf oil and gas leases led to the completion of a Memorandum of Understanding between the Division of Governmental Coordination and the Minerals Management Service. This Memorandum clarifies state and Minerals Management Service procedures during reviews of Outer Continental Shelf lease sales, including pre-consistency and consistency reviews.

**AS** The Project Notification and Review System and the American Samoa Coastal Management Program increased their reviews of proposed projects to ensure compliance with regulations and statutes.

**FL** Responsibility for coordination of review and comment of 10 year plans for siting of power plants was moved from the Department of Community Affairs to the Florida Public Service Commission. The Commission also determines the need for new energy facilities. The process used by the State to review Federal actions was revised by transferring the Florida State Clearinghouse from the Governor's Office of Planning and Budgeting to the Department of Community Affairs. This action centralized the responsibility for the receipt, processing and response to Federal agency requests for consistency review.

**GU** Excess Federal lands were returned to the Government of Guam through actions taken by the

Base Realignment and Closure Commission. Various federal and territorial laws mandate utilization of these lands with ad hoc usage plans.

**HI** The State published the *Hawaii Energy Strategy Report* which provides recommended actions to meet state energy objectives. The Office of State Planning (now the Office of Planning) developed guidelines for marina development and siting.

**ME** The State Planning Office published the *Maine Guide to Federal Consistency Review* to outline Maine's consistency review process.

**NJ** The Office of Energy was placed within the Department of Environmental Protection and responsibility for the State Energy Master Plan, as well as commenting on energy policy, was delegated to the DEP.

**NY** New York continues to participate with the Dredged Material Management Forum and other groups that deal with the disposal of dredged materials.

**NC** Although not a 309 funded project, the Division of Coastal Management was successful in working with the Air Force to alter jet flight patterns over the state designated natural and scenic Lumber River, and in changing the altitude of jet flights over Green Swamp.

**USVI** The Department of Planning and Natural Resources entered a Memorandum of Agreement with the Environmental Protection Agency to enforce the provisions of federal laws governing solid waste landfills. The Department was charged with the responsibility of closing all landfills by October 9, 1996 which do not meet federal location and operation criteria.

## ***309 strategy***

**CT** The State will develop a Connecticut Coastal Consistency Manual for federal agencies and their contractors. The manual will summarize the legal context of consistency and explain State coastal policies as they apply to redevelopment of military and industrial sites and to out of state electric generators.

### **outreach**

#### **state activities 1992 to 1996**

#### ***309 strategy***

**AK** The Division of Governmental Coordination continues to work with the Minerals Management Service to establish regular teleconferences between state resource agency staff and the Service.

None

**BCDC** BCDC assisted and advised the Coast Guard and the State Office of Oil Spill Prevention and Response during the 8,400 gallon Cape Mohican oil spill in San Francisco Bay.

**HI** Because energy conservation can delay the need for additional power generation facilities, Hawaiian utilities have sponsored educational efforts aimed at energy conservation.

**NY** The New York Department of State sponsored a presentation on decontamination technologies to the Third Annual Dredging Conference of the Maritime Association of the Port of New York and New Jersey.





***obstacles/  
needs***

**AL** None

**AK** There is a need for phasing of oil development reviews. Research needs, such as addressing impacts of oil spills, effects of noise on bowhead whales, and local knowledge issues are being considered under the Ocean Management Enhancement grants category.

**AS** Coordination needs to be improved among American Samoa Government agencies. There is a need for more comprehensive integrated planning and funding and the establishment of improved planning systems and tools.

**BCDC** Oil Spill Program initiatives should include a local community preparedness, volunteer, and public outreach initiative. The Bay Plan does not contain policies on navigation safety.

**CA** There is a need to improve coordination with other federal, state, and local government agencies and the public in the evaluation of controversial projects. Adequate funding is needed to complete a statewide database to help address the issue of aging pipelines and to monitor mitigation measures contained in permits and consistency certification. The Coastal Commission should evaluate further whether independent monitoring would enhance permit compliance. The environmental impacts of using scrap materials from oil and gas platforms as artificial reefs and the impacts of high-energy seismic surveys should continue to be studied. The State needs to continue working with NOAA and other federal agencies to improve the consistency process for siting government facilities.

**CNMI** None

**CT** There is a need for clear guidance for federal agencies on the applicability of federal consistency to the disposal of federal lands and to federal energy regulations which may create adverse impacts to the coastal zone. The State must review the applicability of the state's clean-up standards for federal remediation projects. The State must determine

whether applying existing water quality standards to the issue of atmospheric deposition of nitrogen from out-of-state sources into Connecticut's waters will be effective.

**DE** None

**FL** A comprehensive statewide energy policy needs to be developed to address not only facility siting, but also facility type. Florida does not currently have an adequate statewide energy policy. The State must continue to promote strong growth management policies to re-direct growth away from vulnerable coastal areas.

**GU** Siting of federal facilities lacks the coordinated planning mechanisms for harmonious transition between federally controlled and local land. Local energy facilities, while subject to Guam's development review laws and regulations, have not been subject to a coordinated planning process. Comprehensive energy facility planning is also difficult to accomplish in the absence of a current land use plan.

**HI** The cumulative and secondary impacts of new energy and government facility sitings are not adequately addressed by the existing environmental review process. Implementation of demand side management has not occurred. The law prohibiting the siting of a solid waste facility above the Underground Injection Control line creates a conflict between siting a waste facility and protecting coastal resources.

**LA** None

**ME** Pending proposals to locate natural gas pipeline(s) and related infrastructure in Maine suggest the need to improve local officials' understanding of federal, state, and local authorities of these projects licensed by Federal Energy Regulatory Commission under the National Gas Act. Except where wetlands are impacted, State laws do not require an assessment of alternative locations and designs for projects nor a weighing of social and economic factors in order to issue a permit for these facilities.

**MD** None

**MA** None

**MI** A draft Federal Consistency manual prepared by the Michigan Coastal Management Program is being revised. The manual, in conjunction with the Federal Consistency Workbook provided by NOAA, will inform federal agencies of Michigan's consistency review process and environmental criteria used.

**MS** None

**NH** Some work is warranted on the issue of having an adequate framework for responding to oil spills on the Piscataqua River.

**NJ** None

**NY** There is a high priority need to develop facilities to accept contaminated dredged material from the navigation channels and berths in New York Harbor. New York must address the aging infrastructure of its publicly-owned port facilities to remain competitive as the world cargo fleet changes.

**NC** The Division of Coastal Management has not yet developed a consistency manual specific to North Carolina.

**OR** None

**PA** None

**PR** No major gaps exist since all planning and development controls with respect to energy and major public facilities are at the level of the Commonwealth.

**RI** The Coastal Resources Management Council's review process needs to be coordinated with the review process required under the Energy Facilities Siting Act. In order to ensure that concerns associated with coastal uses are adequately addressed in

energy facility siting, and to resolve any questions regarding the Council's scope of review, the Council's Energy Amendments need to be updated.

**SC** There are funding limitations due to other enhancement areas receiving higher priority status.

**USVI** There is no long range planning for assessing the needs and expansion of energy and government facilities. Public solid waste facilities have not kept pace with development.

**VA** None

**WA** The limitation reported in the 1992 Assessment remains: power plants of less than 250Mw output remain outside the authority of the Energy Facilities Site Evaluation Council along with renewable energy facilities.

**WI** None



# *appendices*

**STATE  
ENERGY/GOVERNMENT FACILITY SITING  
CHANGES AND STRATEGIES**

STATE	RESEARCH ASSESSMENT		PLANNING		REGULATORY		NON - REGULATORY		OUTREACH	
<u>Southeast</u>	• s since '92	Current 309 Strategy	• s since '92	Current 309 Strategy	• s since '92	Current 309 Strategy	• s since '92	Current 309 Strategy	• s since '92	Current 309 Strategy
Alabama							%%			
Florida					••		••			
Louisiana					%					
Mississippi	no	changes								
N. Carolina					%		%			
Puerto Rico	no	changes								
S. Carolina				%%	%%					
U.S.V.I						%	%			
<u>Northeast</u>										
Connecticut						%%		%		
Delaware	no	changes								
Maine	•				%		•			
Maryland	no	changes								
Massachusetts					%					
New Hampshire	%				%%					
New Jersey					•		%			
New York	%•		•	%%			•		•	
Rhode Island					%%					
Virginia					%					

STATE	RESEARCH ASSESSMENT		PLANNING		REGULATORY		NON - REGULATORY		OUT REACH	
<u>Great Lakes</u>										
Michigan					•% %					
Pennsylvania					%%%					
Wisconsin					%					
<u>Pacific</u>										
Alaska	%		%		%		%		%	
A. Samoa			%%				%			
BCDC	••		••						•	
California	%				%%					
CNMI	no	changes								
Guam					•		•			
Hawaii	%				%%%%		•%		%	
Oregon					%%					
Washington					%%					

% 309

• 306

% Other

**U.S. Department of Commerce**

National Oceanic and Atmospheric Administration • National Ocean Service

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